

FILED 08 SEP 29 16:30 USDC-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SUSAN E. LEE,

CV. 08-140 ST

Plaintiff,

ORDER

v.

SUN LIFE ASSURANCE COMPANY OF
CANADA,

Defendant.

REDDEN, Judge:

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#15) on September 4, 2008. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When, as here, no objections are filed, the court is not required to give the record *de novo* review. *Lorin Corp. v. Goto & Co., Ltd.*, 700 F2d 1202, 1206 (9th Cir 1983). *See also Britt v.*

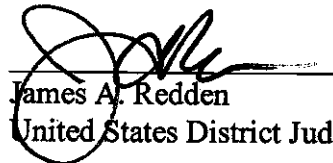
ORDER- 1

Simi Valley Unified School Dist., 708 F2d 452, 454 (9th Cir 1983). I find no error. Accordingly, I adopt the Findings and Recommendation of Magistrate Judge Stewart.

Defendant's Motion for Summary Judgment Re: ERISA Preemption and Standard of Review (#7) is granted. Plaintiff's breach of contract claim is preempted by, and will be construed as a claim under ERISA, and Sun Life's decision to deny plaintiff's claim for benefits will be reviewed for an abuse of discretion.

IT IS SO ORDERED.

Dated this 29th day of September, 2008.


James A. Redden
United States District Judge